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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,583	12/09/2003	Reinhold Freudenschuss	P2002,1046	3890
24131	7590	11/02/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			VU, TRISHA U	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/731,583

Applicant(s)

FREUDENSCHUSS ET AL.

Examiner

Trisha Vu

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12-09-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07-09-04, 12-09-03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-5 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mustafa et al. (6,243,831) (hereinafter Mustafa).

As to claim 1, Mustafa teaches a method for backing up data stored in a working memory of a computer given an interruption of a power supply of the computer (col. 2 lines 55-64), the method which comprises: whenever the computer will be switched into a power saving mode, automatically storing data, which is in the working memory (RAM), into a non-volatile memory (non-volatile storage) (col. 6 line 49 to col. 7 line 29).

As to claim 2, Mustafa further teaches the power saving mode is an ACPI S3 mode or an APM suspend to RAM mode in which the data are deposited in the working memory or a main memory (col. 6 lines 30-39).

As to claim 4, Mustafa further teaches after performing the step of automatically storing data, switching the computer into the power saving mode by having the routine

Art Unit: 2112

write a specified value into a hardware register (a bit is set in CMOS to indicate data has been saved into the non-volatile storage) (col. 7 lines 18-27).

As to claim 5, Mustafa further teaches given that the power supply has been interrupted in the power saving mode, upon restarting the computer, automatically loading the data from the non-volatile memory (col. 8 lines 1-65).

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Atkinson (6,694,451).

As to claim 1, Atkinson teaches a method for backing up data stored in a working memory of a computer given an interruption of a power supply of the computer (col. 7 lines 31-50), the method which comprises: whenever the computer will be switched into a power saving mode, automatically storing data, which is in the working memory (RAM), into a non-volatile memory (non-volatile hard drive) (at least col. 7 lines 31-50 and col. 13 lines 25-60).

As to claim 2, Atkinson further teaches the power saving mode is an ACPI S3 mode or an APM suspend to RAM mode in which the data are deposited in the working memory or a main memory (col. 13 lines 25-60 and the Background describing ACPI).

As to claim 3, Atkinson further teaches performing the step of automatically storing data by starting an operating-system-independent routine (using BIOS routine) that writes the data from the working memory into the non-volatile memory (col. 9 lines 1-19).

As to claim 4, Atkinson further teaches after performing the step of automatically storing data, switching the computer into the power saving mode by having the routine write a specified value into a hardware register (e.g. writing a signature value) (col. 8 lines 59-67).

As to claim 5, Atkinson further teaches given that the power supply has been interrupted in the power saving mode, upon restarting the computer, automatically loading the data from the non-volatile memory (at least col. 7 lines 31-50 and col. 13 lines 25-60).

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (hereinafter Hsu) (6,618,813).

As to claim 1, Hsu teaches a method for backing up data stored in a working memory of a computer given an interruption of a power supply of the computer (abstract), the method which comprises: whenever the computer will be switched into a power saving mode, automatically storing data, which is in the working memory (memory), into a non-volatile memory (hard disk) (at least col. 6 lines 34-62).

As to claim 2, Hsu further teaches the power saving mode is an ACPI S3 mode or an APM suspend to RAM mode in which the data are deposited in the working memory or a main memory (col. 6 lines 34-62).

As to claim 3, Hsu further teaches performing the step of automatically storing data by starting an operating-system-independent routine (using BIOS routine) that writes the data from the working memory into the non-volatile memory (col. 4 lines 58-67).

As to claim 4, Hsu further teaches after performing the step of automatically storing data, switching the computer into the power saving mode by having the routine write a specified value into a hardware register (e.g. writing system state to be checked later when the system receives a resuming or turn-on instruction) (col. 6 line 34 to col. 7 line 35).

As to claim 5, Hsu further teaches given that the power supply has been interrupted in the power saving mode, upon restarting the computer, automatically loading the data from the non-volatile memory (col. 7 line 37 to col. 8 line 51).

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (hereinafter Hsu) (6,618,813).

As to claim 1, Hsu teaches a method for backing up data stored in a working memory of a computer given an interruption of a power supply of the computer (abstract), the method which comprises: whenever the computer will be switched into a power saving mode, automatically storing data, which is in the working memory (memory), into a non-volatile memory (hard disk) (at least col. 6 lines 34-62).

As to claim 2, Hsu further teaches the power saving mode is an ACPI S3 mode or an APM suspend to RAM mode in which the data are deposited in the working memory or a main memory (col. 6 lines 34-62).

As to claim 3, Hsu further teaches performing the step of automatically storing data by starting an operating-system-independent routine (using BIOS routine) that writes the data from the working memory into the non-volatile memory (col. 4 lines 58-67).

As to claim 4, Hsu further teaches after performing the step of automatically storing data, switching the computer into the power saving mode by having the routine write a specified value into a hardware register (e.g. writing system state to be checked later when the system receives a resuming or turn-on instruction) (col. 6 line 34 to col. 7 line 35).

As to claim 5, Hsu further teaches given that the power supply has been interrupted in the power saving mode, upon restarting the computer, automatically loading the data from the non-volatile memory (col. 7 line 37 to col. 8 line 51).

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Qureshi (6,389,556).

As to claim 1, Qureshi teaches a method for backing up data stored in a working memory of a computer given an interruption of a power supply of the computer (abstract), the method which comprises: whenever the computer will be switched into a power saving mode, automatically storing data, which is in the working memory (system memory), into a non-volatile memory (hard disk) (col. 4 line 28 to col. 5 line 4).

As to claim 2, Qureshi further teaches the power saving mode is an ACPI S3 mode or an APM suspend to RAM mode in which the data are deposited in the working memory or a main memory (col. 4 lines 15-27).

As to claim 3, Qureshi further teaches performing the step of automatically storing data by starting an operating-system-independent routine (using BIOS routine)

Art Unit: 2112

that writes the data from the working memory into the non-volatile memory (col. 4 line 59 to col. 5 line 4).

As to claim 4, Qureshi further teaches after performing the step of automatically storing data, switching the computer into the power saving mode by having the routine write a specified value into a hardware register (e.g. writing a signature value) (col. 4 lines 28-67).

As to claim 5, Qureshi further teaches given that the power supply has been interrupted in the power saving mode, upon restarting the computer, automatically loading the data from the non-volatile memory (col. 4 lines 51-67).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as the art discloses saving data to a non-volatile memory:

US Patent	6,145,068	Lewis
US Patent	5,765,001	Clark et al.
US Patent	6,631,480	Zeigler et al.

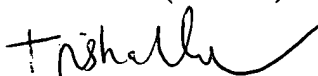
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trisha Vu whose telephone number is 571-272-3643. The examiner can normally be reached on Mon-Thur and alternate Fri 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trisha Vu  
Examiner  
Art Unit 2112

uv



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10/31/05